

OCT 02 2006

ROBERT W. SHEMWEEL, CLERK
BY uk DEPUTY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

**BROOKSHIRE BROTHERS
HOLDING, INC. ET AL.,**

plaintiffs,

V.

**TOTAL CONTAINMENT, INC.,
ET AL.,**

defendants.

Civil Action No. 2:04cv1150
Judge Trimble
Mag. Judge Wilson

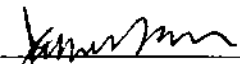
ORDER

Considering Underwriters Laboratories, Inc.'s "Motion for Certification Under 28 U.S.C. § 1292(b)", the Court hereby grants the Motion for Certification and expressly finds, pursuant to 28 U.S.C. § 1292(b) and Rule 5(a)(3) of the Federal Rules of Appellate Procedure, that the Court's Judgment (doc. #482) and Memorandum Ruling (doc. #481) entered on July 7, 2006 on the motion for summary judgment filed by Underwriters Laboratories, Inc. to dismiss Plaintiffs' claims as time-barred, which granted that motion "to the extent that all claims for injuries that occurred prior to August 15, 2002 have prescribed and are dismissed," involve a controlling question of law as to which there is a substantial ground for difference of opinion and that an immediate appeal from the Judgment and Memorandum Ruling as authorized by 28 U.S.C. § 1292(b) and this certification Order may materially advance the ultimate termination of the litigation. A decision from the Fifth Circuit on the legal question presented may result in the

dismissal of UL as a party defendant and streamline the remaining issues in this case.

Pursuant to 28 U.S.C. § 1292(b) and Rule 5(a)(3) of the Federal Rules of Appellate Procedure, Underwriters Laboratories, Inc. shall have ten days from the entry of this Order to file a Petition for Permission to Appeal in the United States Court of Appeals for the Fifth Circuit.

Lake Charles, Louisiana, this 2nd day of October, 2006.



JUDGE TRIMBLE
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION